

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 24-46 are pending in the present application. Claims 1-23 are cancelled without prejudice or disclaimer and Claims 24-46 are added by the present response without introducing any new matter. Support for additions to the claims can be found in the disclosure as originally filed. Thus, no new matter is added.

In the outstanding Action, Claims 3, 7-9, 15 and 20-23 were rejected under 35 U.S.C. §101, as directed to non-statutory subject matter; Claims 1-3 and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over ISO/IEC 13818-1 Standard (Generic Coding of Moving Pictures and Associated Audio: Systems, International Organization for Standardization, Workgroup 11 - Coding of Moving Pictures and Associate Audio, Pages 1-130, 13 Nov. 1993, herein “ISO/IEC”) in view of Bruls et al. (U.S. Pat. Pub. No. 2006/0098937, herein “Bruls”); Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over ISO/IED and Bruls in further view of Kim et al. (Fine Grain Scalability in MPEG-4 Audio, Audio Engineering Society, 111th Convention of the AES, 24 Sept 2001, Pages 1-5, herein “Kim”); Claims 4-7 were rejected under 35 U.S.C. §103(a) as unpatentable over ISO/IED and Bruls in view of Kato et al. (U.S. Pat. No. 7,646,967, herein “Kato”); Claims 10, 14-16, 19 and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over The MPEG-4 Book (F.Pereira and T. Ebrahimi, The MPEG-4 Book, Prentice Hall, 10 July 2002, Pages 1-50, herein “MPEG-4” in view of Herpel et al. (MPEG-4 Systems: Elementary Steam Management, Elsevier Science, Signal Processing: Image Communication, Vol. 15, 2000, Pages 299-320, herein “Herpel”); Claims 11, 17 were rejected under 35 U.S.C. §103(a) as unpatentable over MPEG-4 in view of Herpel and Kim; Claims 12, 13, 18, 21 and 23 were rejected under 35 U.S.C. §103(a) as unpatentable over MPEG-4 and Herpel in view of Wu et al. (U.S. Pat. No.

6,614,936, herein “Wu”); and Claim 22 was rejected under 35 U.S.C. §103(a) as unpatentable over MPEG-4, Herpel, Wu and Kim.

With regard to the rejection of Claims 3, 7-9, 15 and 20-23 under 35 U.S.C. §101 as directed to non-statutory subject matter, Applicants respectfully submit that in light of the cancellation of Claims 1-23 by the present response, the rejection of these claims is moot. Accordingly, Applicants respectfully request that the rejection of Claims 3, 7-9, 15 and 20-23 under 35 U.S.C. §101, be withdrawn. Moreover, Applicants respectfully submit that new Claims 26, 31-33, 39, and 44-46 are directed to non-transitory computer readable medium claims and thus are statutory under 35 U.S.C. §101.

With regard to the rejections of Claims 1-23 under 35 U.S.C. §103(a) as unpatentable over various combinations of ISO/IEC, Bruls, Kato, MPEG-4, Herpel, Wu and Kim, Applicants respectfully submit that these rejections are moot in light of the cancellation of Claims 1-23. Accordingly, Applicants respectfully request that the rejections of 1-23 under 35 U.S.C. §103(a) as unpatentable over various combinations of ISO/IEC, Bruls, Kato, MPEG-4, Herpel, Wu and Kim, be withdrawn.

In addition, with regard to newly added Claims 24-46, Applicants respectfully submit that the features recited in these claims are not disclosed by any of the cited ISO/IEC, Bruls, Kato, MPEG-4, Herpel, Wu and Kim references.

For instance, Claim 25 recites, in part,

an encoding step of encoding an input stream so as to include, among a base stream and first to n-th extension streams having extensibility for the base stream, at least the base stream and the first extension stream;

an adding step of adding transport priority information that indicates priority and respectively distinguishes the base stream from the first to n-th extension streams, which are encoded by the encoding step, to the base stream and the first to n-th extension streams; and

a packetizing step of packetizing the base stream and the first to n-th extension streams, to which the transport

priority information is added by the adding step, into TS packets.

Claims 24 and 26 recite corresponding apparatus and computer readable medium claims.

Claims 27, 29-31, 33, 37-39 and 42-44 recite similar features with regard to the transport priority information.

ISO/IEC describes a standard for MPEG and describes synchronization and multiplexing of video and audio. Further, ISO/IEC describes that transport stream packets begin with a 4 byte prefix, which contains a 13 bit Packet ID (PID).

However, ISO/IEC fails to describe or suggest adding transport priority information that indicates priority and respectively distinguishes the base stream from the first to n-th extension streams, which are encoded by the encoding step, to the base stream and the first to n-th extension streams.

Bruls describes a method for handling layer digital video streams comprising a base layer stream and an enhancement layer stream. Further, Bruls describes that packets of the base layer and the enhancement layer can each be allocated their own PID number.

However, Bruls fails to describe or suggest adding transport priority information that indicates priority and respectively distinguishes the base stream from the first to n-th extension streams, which are encoded by the encoding step, to the base stream and the first to n-th extension streams.

Kim describes a fine grain scalability tool for MPEG-4 audio. Further, Kim describes a bit slicing scheme in which quantized spectral values are grouped into frequency bands. The bits are then processed according to the spectral content and from most significant bit (MSB) to least significant bit (LSB).

However, Kim fails to describe or suggest adding transport priority information that indicates priority and respectively distinguishes the base stream from the first to n-th

extension streams, which are encoded by the encoding step, to the base stream and the first to n-th extension streams.

MPEG-4 gives a description of the MPEG-4 standard. In addition, MPEG-4 describes, in referring to the transport stream, that the encapsulation of PES packets in an MPEG-2 TS is conceptually quite different from the PS. A TS consists of fixed-length 188-byte TS packets. Further, MPEG-4 describes that all PES packets originating from a single ES will end up in TS packets with one PID value.

However, MPEG-4 never discloses adding transport priority information that indicates priority and respectively distinguishes the base stream from the first to n-th extension streams, which are encoded by the encoding step, to the base stream and the first to n-th extension streams.

Herpel describes elementary stream management facilities provided by MPEG-4 systems. Further, Herpel describes a FlexMux tool that enables multiplexing with a simple packet syntax. In the simple mode, in the FlexMux packet structure, there is provided a FlexMux channel (stream number) and packet length in bytes.

However, Herpel does not describe or suggest adding transport priority information that indicates priority and respectively distinguishes the base stream from the first to n-th extension streams, which are encoded by the encoding step, to the base stream and the first to n-th extension streams.

In addition, the further cited Wu and Kim references do not cure the above noted deficiencies of ISO/IEC, Bruls, Kato, MPEG-4, and Herpel with regard to the claimed invention.

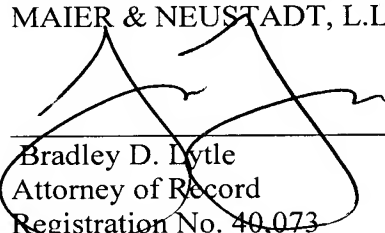
Accordingly, Applicants respectfully submit that Claim 25, and similarly Claims 24, 26, 27, 29-31, 33, 37-39 and 42-44, and claims depending respectfully therefrom, patentably

distinguish over ISO/IEC, Bruls, Kato, MPEG-4, Herpel, Wu and Kim considered individually or in any combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

James Love
Registration No. 58,421

4310634_1